

Message Text

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PAGE 01 BONN 05796 311127Z
ACTION L-03

INFO OCT-01 EUR-12 EA-10 ISO-00 SS-15 EB-08 TRSE-00
JUSE-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05
CEA-01 CIAE-00 COME-00 FRB-03 INR-10 IO-13 NEA-10
NSAE-00 OPIC-03 SP-02 LAB-04 SIL-01 AGRE-00
OMB-01 /102 W

-----056727 311132Z /23

O R 311116Z MAR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 7196
INFO AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY COPENHAGEN IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY LUXEMBOURG IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY ROME IMMEDIATE
AMEMBASSY THE HAGUE IMMEDIATE
AMEMBASSY ATHENS
AMEMBASSY ANKARA
AMEMBASSY BERN
AMEMBASSY CANBERRA
AMEMBASSY HELSINKI
AMEMBASSY LISBON
AMEMBASSY MADRID
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY REYKJAVIK
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
AMEMBASSY VIENNA
AMEMBASSY WELLINGTON

C O N F I D E N T I A L BONN 05796

USEEC, USOECD
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PAGE 02 BONN 05796 311127Z

E.O. 11652: GDS
TAGS: EGEN, EINV, ECOSOC, GW, UN
SUBJ: ECOSOC WORKING GROUP ON ILLICIT PAYMENTS

REF: (A) STATE 77170, (B) STATE 75523, (C) BONN 5680
(NOTAL)

1. SUMMARY: FRG REACTION TO TEXTS OF ARTICLE I AND IV (REFTEL A) IS GENERALLY POSITIVE. THEY CONSIDER IT A VERY GOOD BASIS TO GO ON AND LOOK FORWARD TO MAKING PROGRESS. WITH A FEW EXCEPTIONS CHIEFLY DUE TO CONFLICTS WITH THE FRG CRIMINAL CODE AND A DESIRE FOR MORE CLARIFICATION IN SOME AREAS, THE FRG FEELS THE USG PROPOSALS ARE IN THE RIGHT DIRECTION. THEY HAVE NOT YET CONSULTED WITH OTHER EC MEMBERS BUT THINK THEY PROBABLY HAVE SIMILAR ASSESSMENTS. END SUMMARY.

2. IN LINE 6 OF PARA 3, REFTTEL A, THE FRG ACCEPTS THE WORDING "DIRECTLY OR INDIRECTLY" BUT DOES NOT ACCEPT THE FORMULATION "OR TO A THIRD PERSON". IN PART (2) OF SAME PARA THEY DO NOT ACCEPT THE WORDING "OR ANOTHER PERSON". THESE EXCEPTIONS ARE BASED ON CONFLICTS WITH FRG CRIMINAL CODE. IN SECTION (C) OF PARA 4, REFTTEL A, THE FRG WOULD LIKE MORE PRECISION IN THE WORDING. THEY UNDERSTAND "AIDING OR ABETTING" HAS CERTAIN MEANINGS IN AMERICAN LAW BUT WOULD PREFER MORE PRECISE WORDING LINKING AN OFFENSE TO AN INDIVIDUAL OR ENTERPRISE. THEY ALSO FEEL THE WORDING "ITS COMMERCE" IS IMPRECISE. IT SHOULD SPECIFICALLY STATE FOREIGN TRADE, WHEREAS "ITS COMMERCE" OFTEN IMPLIES INCLUSION OF STRICTLY DOMESTIC TRANSACTIONS. IN (2) OF PARA 4 AND ARTICLE IV THEY FEEL THE MEANING OF CONFIDENTIAL

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PAGE 03 BONN 05796 311127Z

"MINIMUM PAYMENTS" SHOULD BE CLARIFIED.

3. OVERALL THE FRG CONSIDERS THE DIRECTION OF THE US PROPOSAL IS GOOD AND THERE ARE JUST A FEW PROBLEMS TO BE IRONED OUT. THE FRG HASN'T HAD TIME TO CONSULT WITH THE OTHER EC COUNTRIES IN THIS REGARD BUT THINK THEY PROBABLY HAVE A SIMILAR RESPONSE TO THE TEXTS.

4. DR. MOEHRENSCHLAGER, OF THE JUSTICE MINISTRY, WILL REPRESENT THE FRG FOR THE WEEK BEGINNING APRIL 3, WHILE MR. HEIN OF THE ECONOMICS MINISTRY WILL BE THE FRG REPRESENTATIVE THE FOLLOWING WEEK.
STOESSEL

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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Litigation Codes:
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